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**DEC 17 2008**

In re Application of :  
Micel Hoclet :  
Application No. 10/578,931 : DECISION ON PETITION  
Filed: May 8, 2006 :  
Attorney Docket No. MM6010PCT :

This is a decision in response to the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2008, to revive the above-identified application.

The petition is **DISMISSED**. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A review of the record shows that the application became abandoned for failure to timely pay the issue and publication fees and to submit corrected formal drawings on or before May 5, 2008, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed February 5, 2008. A Notice of Abandonment was mailed on May 23, 2008. On May 19, 2008, a petition under 37 CFR 1.137(b) was filed, however, the petition was dismissed in a decision mailed September 12, 2008. In response, on September 24, 2008, the present petition was filed.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The petition does not comply with item (1).

Receipt is acknowledged of the requisite petition, issue and publication fees; however, the corrected drawings have not been submitted. Accordingly, the petition cannot be granted at this time.

It is noted that petitioner states that he is an attorney having power in the present application; however, the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Any further request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision and contain the new oath or declaration in compliance with 37 CFR 1.67(a). Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and should be addressed as follows:

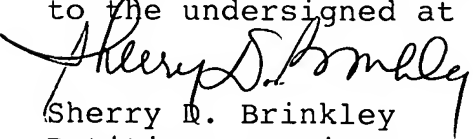
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: Eugene Liberstein  
      Baker & Hostetler, LLP  
      45 Rockefeller Plaza  
      New York, NY 10111

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<sup>1</sup> [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)